

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MAREKUS BENSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 3:22-125
WARDEN DENNIS VOUGHT, Somerset	)	Judge Nora Barry Fischer
County Prison, et al.,	)	Magistrate Judge Keith Pesto
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 20th day of December, 2024, upon consideration of the Report and Recommendation of United States Magistrate Judge Keith Pesto dated February 28, 2024, (Docket No. 28), recommending that the Amended Complaint filed by Plaintiff Marekus Benson be dismissed, without prejudice, for failure to timely serve the Complaint under Rule 4(m) of the Federal Rules of Civil Procedure, and ordering that any objections be filed within 14 days such that objections were due from non-ECF users like Plaintiff by March 18, 2024, and no objections having been filed by the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of February 28, 2024, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Amended Complaint (Docket No. 26) is DISMISSED, without prejudice, for failure to timely serve the Complaint, in light of the facts and circumstances of this case which are dutifully set forth by the Magistrate Judge in the Report and Recommendation of February 28, 2024 and are further buttressed by the failure of Plaintiff to file any objections to same or to serve the Complaint in the many months that have elapsed through the date of this Order;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer  
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Keith Pesto

All counsel of record.

cc: MAREKUS BENSON  
QP-4049  
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(via first class mail)